

NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET

Amendment: Initiate amendments to Title 25 – Land Development Code related to sidewalk and urban trail construction and maintenance.

Description: City staff are pursuing a number of updates to Title 25 – Land Development Code related to the construction and maintenance of sidewalks and urban trails. The proposed code changes were identified as top priorities in the Sidewalk Master Plan and ADA Transition Plan Update, which was adopted by Austin City Council in June 2016. The revised language would add controls to ensure the installation of new sidewalks and rehabilitation of noncompliant sidewalks with subdivisions, site plans, or building/relocation permits; clarify requirements for granting of payment of fees in lieu for sidewalks; clarify property owners responsibilities for installation, repair and maintenance of driveway approaches; and require those making special use of sidewalk to keep in good and safe condition.

Proposed Language: see Appendix A of Sidewalk Master Plan and ADA Transition Plan Update for preliminary code change recommendations.

Background: Initiation recommended by Codes and Ordinances Subcommittee on January 18th, 2017

Staff Recommendation: NA

Board and Commission Actions: NA

Council Action: NA

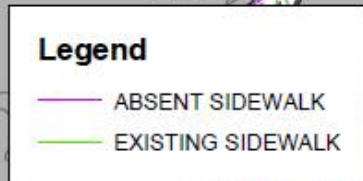
City Staff: Joel Meyer **Phone:** (512) 974-1405 **Email:** joel.meyer@austintexas.gov



2016 Sidewalk Master Plan & ADA Transition Plan



Sidewalks by Council District



District	Existing		Absent	
	Miles	%	Miles	%
1	253	11%	345	13%
2	264	11%	196	8%
3	178	7%	154	6%
4	160	7%	146	6%
5	278	12%	222	9%
6	301	12%	271	11%
7	262	11%	292	11%
8	315	13%	279	11%
9	198	8%	197	8%
10	200	8%	476	18%
Total	2,408	100%	2,578	100%

Transit/Sidewalk System



CapMetro

- 34+ million boardings/yr
- 22+ million boardings/yr walked to transit / had no option to use car*
- 3+ million boardings/yr by mobility impaired



Why L.A.'s \$1.4 Billion Sidewalk Repair Case Is Such a Big Deal



Code Update Summary

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- **Vegetation Maintenance**
 - Landowner responsible for maintaining clear path
- **New subdivisions**
 - Sidewalk construction required when road constructed (not building permit)
- **Driveways**
 - Landowners required to provide ADA compliant sidewalk
 - Enforcement through sidewalk construction projects (commercial only) and 311/code compliance
- **Site plan & building permit approval**
 - Rehabilitation of existing sidewalks to meet ADA requirements if necessary
- **Fee in lieu – revised applicability**

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A

10%

B

10%



C

25%

D

50%

F

5%



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20% Functionally
Acceptable

80% Functionally
Deficient

Assessment
Results

Vegetation Maintenance

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20% → 40%

Functionally Acceptable

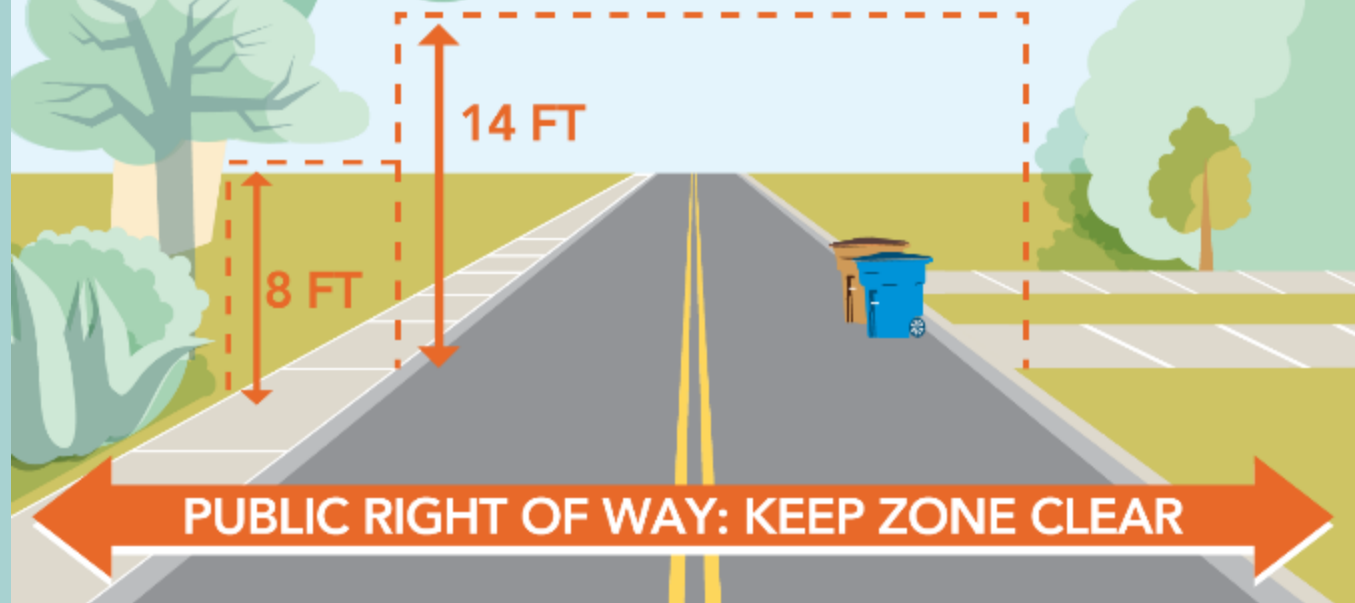
Ongoing Public Awareness Campaign

Active Enforcement

Funding for Removal Programs

KNOW THE RIGHT OF WAY, CLEAR THE RIGHT OF WAY

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It's a jungle out there, but the public right of way shouldn't be. Did you know it is the responsibility of property owners to keep sidewalks clear and private tree limbs, plants, and other vegetation trimmed to 8 feet above the sidewalk and 14 feet above the street?

Do your part to keep Austin's sidewalks and streets safe and accessible. Know the Right of Way, Clear the Right of Way.

Call 3-1-1 or visit us online at www.austintexas.gov/cleartherow for more information.



Item D-01 Code Updates – Vegetation 11 of 22

Current	Proposed
<u>Unclear:</u> Vegetation not allowed to obstruct public use of ROW	<u>Clarify requirements:</u> Provide specific clearance requirements for each type of transportation facility <ul style="list-style-type: none">• 14 feet over roads• 8 feet of urban trails• 80 inches over sidewalks
No defined penalties	§ 6-3-27 – PENALTY - A person who violates this article commits a Class C misdemeanor and is subject to the penalty prescribed by Section 1-1-99 (Offenses; General Penalty). Each occurrence of a violation of this article is a separate offense.

THE CODE OF THE CITY OF AUSTIN, TEXAS; TITLE 6. – ENVIRONMENTAL CONTROL AND CONSERVATION; CHAPTER 6-3. – TREES AND VEGETATION

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An aerial photograph of a residential subdivision. The image shows several streets: Stonleigh Pl, Magin Meadow Dr, Blue Meadow Dr, Bitterroot Trail, and Trendal Dr. A large, rectangular, undeveloped lot is situated between Magin Meadow Dr and Blue Meadow Dr. The surrounding area is filled with houses and trees. A white banner with the text 'New Subdivisions' is overlaid at the bottom of the image.

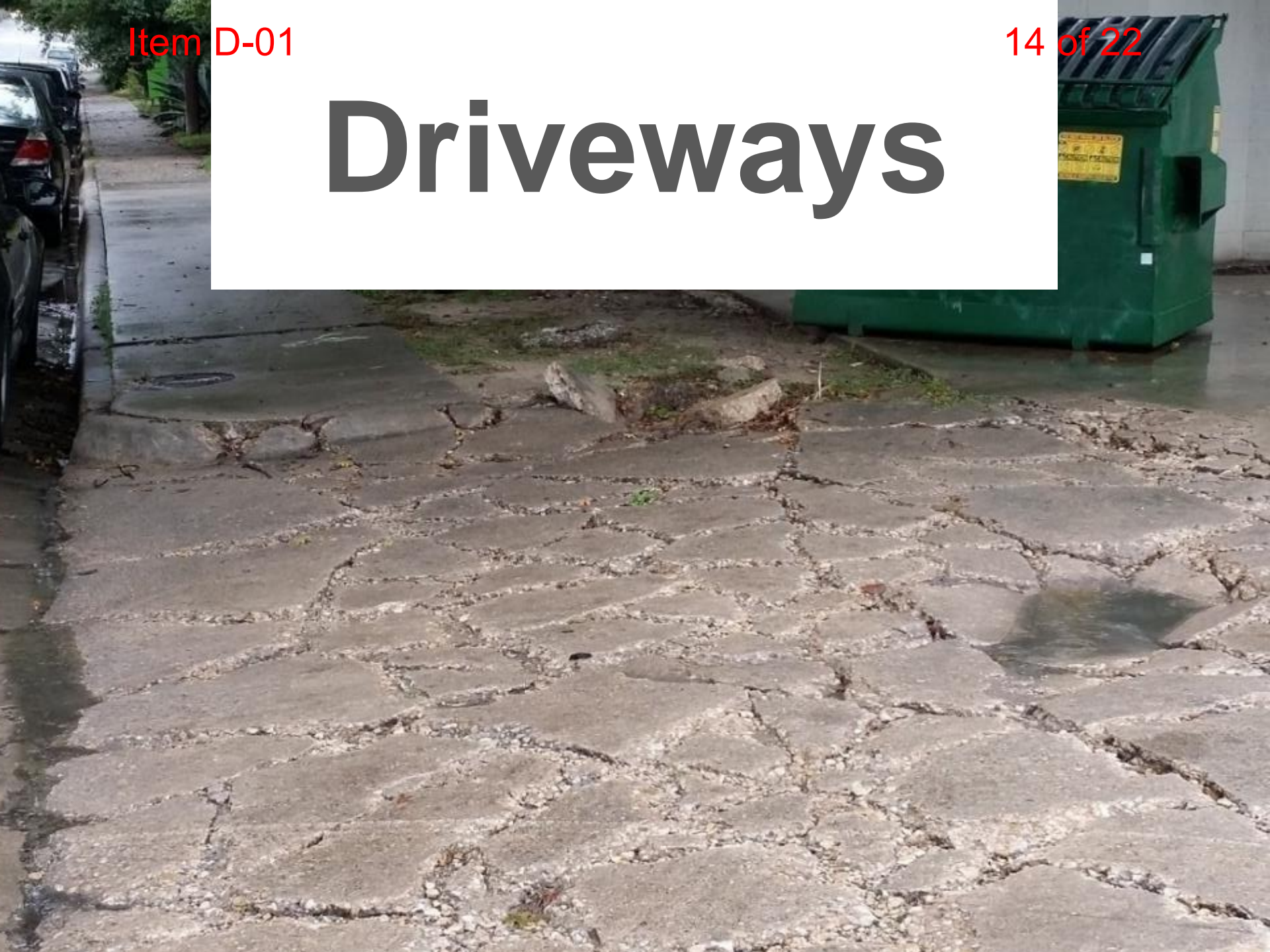
New Subdivisions

Code Updates – Subdivisions, Site Plans, and Building Permits

Current	Proposed
Sidewalk construction required Prior to CO for building permit	<u>Subdivisions:</u> sidewalk construction required Prior to acceptance of roads and other utilities/infrastructure
Sidewalk Waivers - allowed with approval of multiple department Directors under limited circumstances	No waivers; sidewalk construction or payment of fee in lieu required
New sidewalks required if absent but no review of existing sidewalks	Require all sidewalks (new or existing) to meet ADA standards

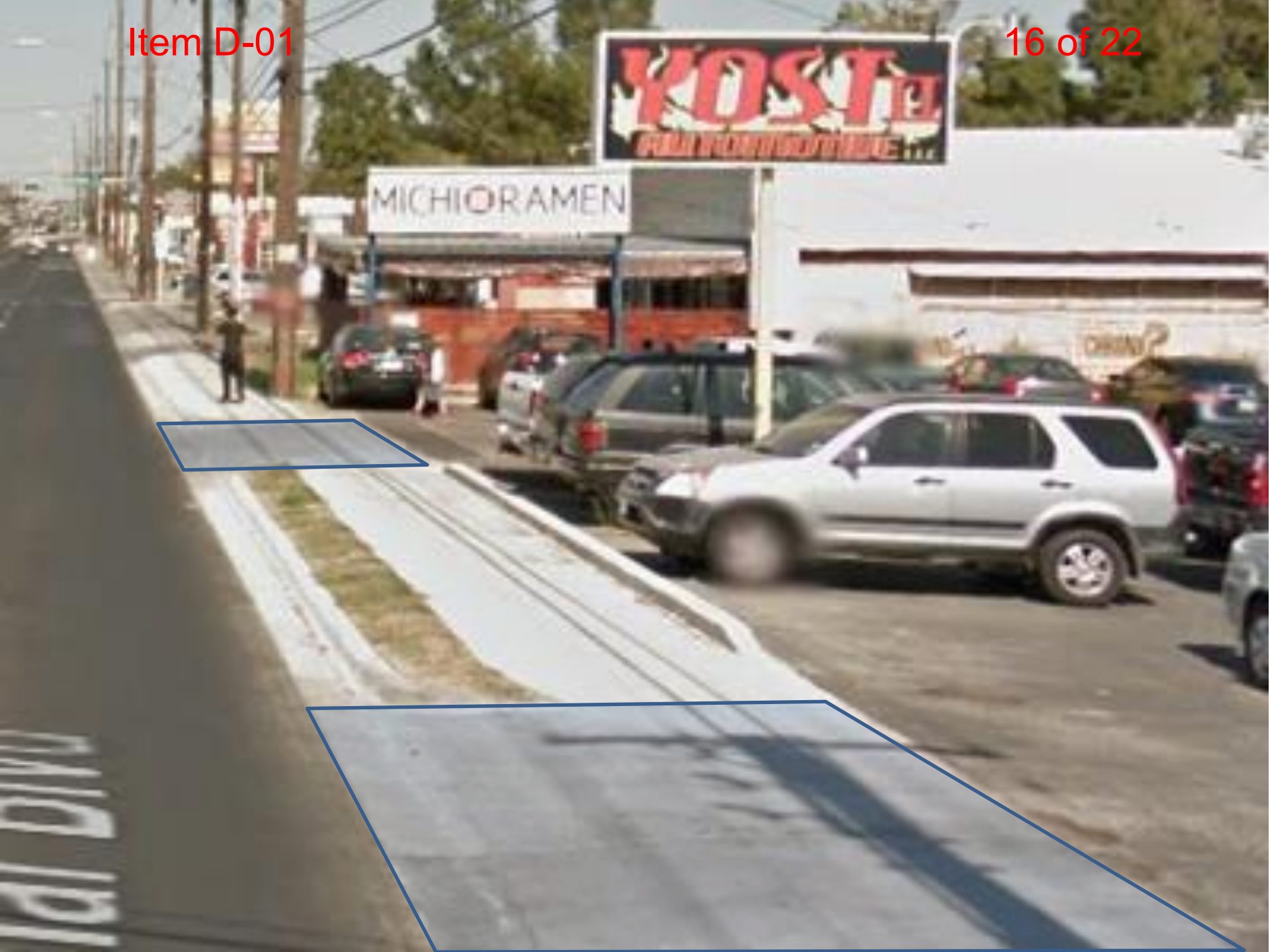
***TITLE 25- LAND DEVELOPMENT CODE; CHAPTER 6. – TRANSPORTATION;
ARTICLE 5. – DRIVEWAY, SIDEWALK, AND RIGHT-OF-WAY CONSTRUCTION;
Division 5. – Sidewalks § 25-6-351 - SIDEWALK AND/OR URBAN TRAIL
INSTALLATION IN SUBDIVISIONS.***

Driveways





**Assessments on new projects to
incentivize “Drivewalk” reduction**



Code Updates – Maintenance

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Current	Proposed
Driveway aprons: maintenance requirements removed from code in 1999	The person owning any property abutting a driveway approach shall be responsible for installation, repair and maintenance of the driveway approach consistent with appropriate and applicable standards for construction in the public right of way and shall keep such driveway approach in a good and safe condition free from any defects and hazards of any kind or character.
Sidewalk Maintenance: no requirements	Require any person making special use of any sidewalk, pedestrian way, curb, gutter, or driveway approach for the purpose of ingress/egress, downspout drains, or any other special use of any character, to keep such sidewalk, pedestrian way, curb, gutter, or driveway approach abutting such property in a good and safe condition and free from any defects and hazards of any kind and character.

“Special Use”

**Parking lot drainage; dented
steel plate creates trip
hazard/ADA compliance issue**



“Special Use”

Repaired by City; after code change would be landowner responsibility



Fee in lieu



Code Updates – Fee in lieu

Current	Proposed
<u>Landowner option</u> if certain criteria are met	<u>Restricted Landowner option</u> only on street frontages where City determines future sidewalk connection are unlikely. In residential areas with extensive missing sidewalks sidewalk construction may be required on one side of the street and fee in lieu allowed on the opposite side

***TITLE 25- LAND DEVELOPMENT CODE; CHAPTER 6. – TRANSPORTATION;
ARTICLE 5. – DRIVEWAY, SIDEWALK, AND RIGHT-OF-WAY CONSTRUCTION;
Division 5. – Sidewalks § 25-6-354 - PAYMENT INSTEAD OF SIDEWALK
INSTALLATION.***

Item D-01 Questions

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“...when you construct a good sidewalk, you are constructing democracy. A sidewalk is a symbol of equality.” Enrique Penalosa, former Mayor of Bogota Columbia

